JUDGMENT

OF

THE LAHORE HIGH COURT

IN THE CASE OF THE

MURDER

OF

M. FAKHAR-UD-DIN OF QADIAN

DELIVERED

BY

Hon'ble Sir DOUGLAS YOUNG, KT., Chief Justice

AND

MR. JUSTICE ABDUL RASHID

ON

3rd January, 1938

PUBLISHED BY

BAIT-UL-QURAN, QADIAN

CRY OF
A VICTIMIZED ORPHAN
BEFORE
MEN OF JUSTICE
MEN OF HEARTS
AND
MEN OF PEACE

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" Bait-ul-Quran," Qadian (Pb.)

MY TALE OF WOE

—:o:—

HAVING found that the authorities to be held responsible for the maintenance of peace took no notice of the fountain-head of all ignoble and barbaric atmosphere offt-created at Qadian, it is high time that I, on my part, had laid bare the truth behind their inherent trait which recently emanated in the gruesome murder of my beloved father.

This appeal is submitted before those members of the Civilized Society who value the lives of others as they love their own, who possess a heart to sympathise with seven tiny orphans and the old widow of the deceased, to those who can feel the agony of this oppressed family bereft of all joy and happiness and to those who can realize the troubles of these children drifted into an eddy of miseries and upon whom the clouds of sorrow hover, all brought about by Mirza Mahmud of Qadian through his fiery speeches.

Burning and demolishing of houses, boycott, using opprobrious and filthy language, beating,

banishing and ultimately murdering, then dishonouring the funeral and harassing the dead body to be interred, are quite a common spectacle of the demoralising and debasing acts to which the men of Mirza Mahmud stoop.

My statement is corroborated by the remarks of the Hon'ble Judges in this murder case. Only one speech of Mirza Mahmud has been brought on the record which made them fix the responsibility of this murder on the real culprit — Mirza Mahmud. I believe if other speeches of Mirza Mahmud, of which a few extracts are reproduced below, were also brought on the file, I am sure, the Hon'ble Judges would have arrived at quite a different conclusion.

I repeat it with the greatest regret that the Government took no action on these speeches especially on the speech which Mirza Mahmud delivered on 6th August 1937 and which was, for obvious reasons, not published in the "Alfazal". All the speeches were made before the murder of my father.

EXTRACTS FROM MIRZA MAHMUD'S SPEECHES

(1) These days every moment of their *(Misri, Multani and their companions)* lives are under my

obligation.

—*Alfazal, 29th July 1937.*

(2) Now the time is changed. See! the former Messiah was crucified by his enemies, but now the Messiah is come to drive the enemies to the place of death

—*Alfazal, 31st July 1937.*

(3) If forty men are available who have in them the courage to kill, then they can frighten even the world.

(4) Brave is he who when resolves to kill does not deter and when caught speaks the truth.

(5) There are only two ways : either a man must know how to die or how to kill.

(6) If a person thinks he has in him the power to kill, I (*Mirza Mahmud*) would address him O Shameless ! Why don't you proceed.

(7) These Magistrates or other Police Officers and Officials will not harm us.

—*Alfazal, 5th June 1937.*

(8) Apart from prayers they should resort to such designs as God has provided in this World.

—*Alfazal, 9th July 1937.*

(9) Our God is watchful. If they (*Misri, Multani, etc.*) want to hide, where can they hide? He will bring them out and would punish them at our hands or would stealthily kill them like plague rats and no one will know of it.

—*Alfazal, 17th July 1937.*

(10) If God has decreed their ruin (*of Misri, Multani, etc.*) we wish they should be ruined at our hands and during our lifetime, so that we also should participate in the reward.

—*Alfazal, 19th June 1937.*

(11) About 90 per cent. of the audience cannot fully understand the speech. It is, therefore, the duty of the learned one, to make them understand. The learned are my arms and tongues. They should repeat before the members of the party so that even the dullard may understand.

—*Alfazal, 17th July 1937.*

How the hirelings of Mirza Mahmud interpret their Paymaster's scheme. These are published in the "Alfazal" and are reproduced below :

(12) The only way to success is that every individual should be a perfect model of his Leader. Implicit, obedient and each of his movements must

be at the back of his leader. You must act upto his orders as the pulse beats according to the beating of the heart. Everything which you are required to sacrifice for his sake should be done immediately without a moment's delay. Then be not sorry for it.

—*Alfazal, 5th June 1937.*

(13) I would advise Misri Sahib : If he has any feeling of nobility and morality left in him he should have pity upon himself and his children and should save himself from that which inevitably is the result of apostacy.

—*Alfazal, 8th July 1937.*

(14) Not to speak of Transportation of life but we feel honoured even if hanged in state oppression. (Note the legal pretext.)

—*Alfazal, 11th July 1937.*

M. M. A.

A Division Bench of the Lahore High Court consisting of the Chief Justice and Mr. Justice Abdul Rashid pronounced orders on January 3, 1938 confirming the sentence of death passed upon Aziz Ahmad for the murder of Fakharud Din in what was known as Qadian Murder Case.

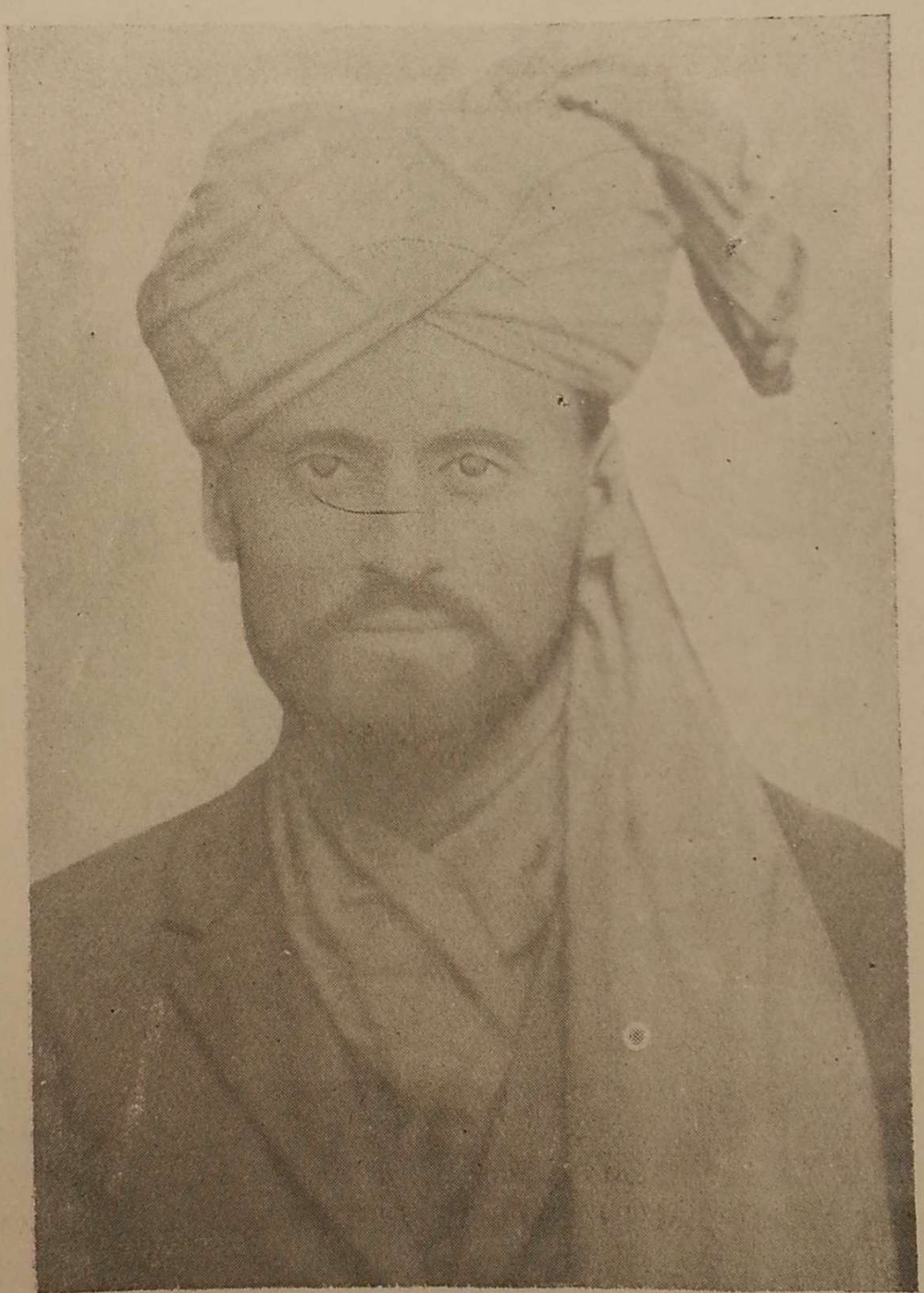
The following is the full text of judgment of their Lordships:—

JUDGMENT

Aziz Ahmad has been convicted by the learned Sessions Judge of Gurdaspur for the murder of Fakharud Din and for wounding Abdul Aziz. The learned Sessions Judge sentenced Aziz Ahmad to death on the charge under section 302 and to one year's rigorous imprisonment under section 324, I.P.C. Aziz Ahmad appeals to this court.

Fakharud Din was a follower till recently of the Khalifa of the Qadian Ahmadies. Both the deceased and one Misri Abdul Rahman, who also had been a follower of the Khalifa Sahib, had been turned out, or had retired, from the orthodox Ahmadies on disagreement with the Khalifa. They formed a separate

ایم فخر الدین شہید ملتانی
جنکو قادیاں کی سر زمین میں مرزا محمود کی
اشتعال انگیزی کی وجہ سے ۷۔ اگست ۱۹۳۷ء کو
دن دہاڑے قتل کیا گیا
مرحوم نے ۳۲ سال تک سلسلہ احمدیہ کی خدمات
سر انجام دیں



M. FAKHAR-UD-DIN Shahid Multani
Murdered in broad daylight in Qadian on August 7, 1937 by a fanatic who had been excited by the provocative speeches of Mirza Mahmud. The deceased served the Ahmadiyya Community for 32 years.

صلاح الدین خلف ایم فخر الدین شہید ملتانی
اس شیر خوار بچہ کا دودھ جون ۱۹۳۷ء سے حکماً
بند کیا گیا۔ کیونکہ یہ فخر الدین کا بچہ ھے
دنیا کی تاریخ ایسے انسانیت سوز بائیکاٹ کی
مثال پیش نہیں کر سکتی۔ جو قادیان کی مقدس سر
زمین میں اس بے گناہ معصوم بچہ کے ساتھ کیا گیا۔

SALAH-UD DIN s/o M. FAKHAR-UD DIN Shahid Multani
The men of Mirza Mahmud picketed the house of M. Fakhr-ud Din Shahid and did not even allow the inmates to buy MILK for the baby. All the shopkeepers have been ordered not to sell anything to the family of the deceased.

Anjuman the main object of which appears to have been to oppose the Khalifa Sahib. They lived in Qadian, and as Qadian is mostly inhabited by orthodox Ahmadies this naturally led to trouble with the orthodox community.

According to the evidence the members of the opposition Anjuman were boycotted and their houses picketed. They were clearly in a very unpleasant position. The deceased had made several reports at the police station concerning the actions of the orthodox Ahmadies against him. On the 23rd of July 1937, the Khalifa himself addressed a meeting at the mosque and made a long personal attack on Misri Abdul Rahman and his followers. This speech was published in the *Alfazal* which is the orthodox Ahmadi newspaper, on the 1st of August 1937. The *Alfazal* report is exhibited on the record as Exh. P. T. In this speech the Khalifa Sahib protested against the attacks of the rival Anjuman and in particular against the attacks on his character. He made a counter-attack upon his opponents. *Inter alia* he said :

"But if they persist in raising filthy objections—as they are doing—and making ignoble attacks—as it is rumoured that they and their associates are contemplating—and do not repent I assert that even modesty

will take leave of their families not to talk of the Ahmadi Faith. I say in clearer words that you should not consider it inconceivable if as a result of the base and immodest attacks that they are making, their families become a centre of immorality."

It is alleged by some witnesses for the Crown that he used the word 'brothel' in his original speech. The Khalifa Sahib, also said :

"Hence, whoever opposes the Caliphs these days, strikes an axe on the practical life of Islam and the belief of the world. God Almighty therefore, destroys his faith by way of punishment for his sin. But in former times opposition used to cause only political loss to Islam. Therefore, the opposers used to get some corporal punishment. They never used to get such heavy spiritual punishment."

Further he said :

"God Almighty has, by his action, shown a marked difference between the past and the present. Hence whoever turns against the Caliphate to-day deserves a far heavier punishment than his predecessors. If anybody persists in opposing the Caliphate and does not repent, it is certain that he will completely lose his faith and tomorrow, if not to-day, will start making

attacks on Hazrat Masih-i-Mauud (peace be on him). Then it is quite possible that he may, as a result of this punishment, lose his good manners and modesty and bashfulness may say good-bye to him for ever. Hence, punishment varies with the circumstances of the time. The circumstances of the past were quite different from those of the present. Those who oppose the Caliphate now, will certainly get such punishments as will be exemplary in the extreme and their faith will doubtless be affected according to the degree of their opposition and enmity."

That the Khalifa Sahib made these statements is not contested by counsel in this Court.

As an answer to this speech, and in particular as a protest against the statement of the Khalifa that "their families become a centre of immorality," Fakharud Din exhibited a poster (Exh. P. W. 3/1) near his house in the Qadian Bazar on the 5th of August. The last portion of the poster reads as follows :—

"For this very reason we are demanding an enquiry by an open commission from the community, so that all the facts, evidence and secrets may be placed before it for decision as to whose family is the resort of immorality, or in other words is what was uttered by the Khalifa."

This poster is signed by Fakharud Din as Secretary Majlisi Ahmadiyya. There was another meeting of the orthodox Ahmadis on the 6th of August at the Mosque in the morning and also another in the evening. At these meetings, according to the evidence of Sub-Inspector, Lala Karam Chand, more speeches were made against the deceased. On that day Fakharud Did made the following complaint at the police station :—

Ex. P. H.

THE MAJLIS-I-AHMADIYYA

QADIAN (INDIA).

To,

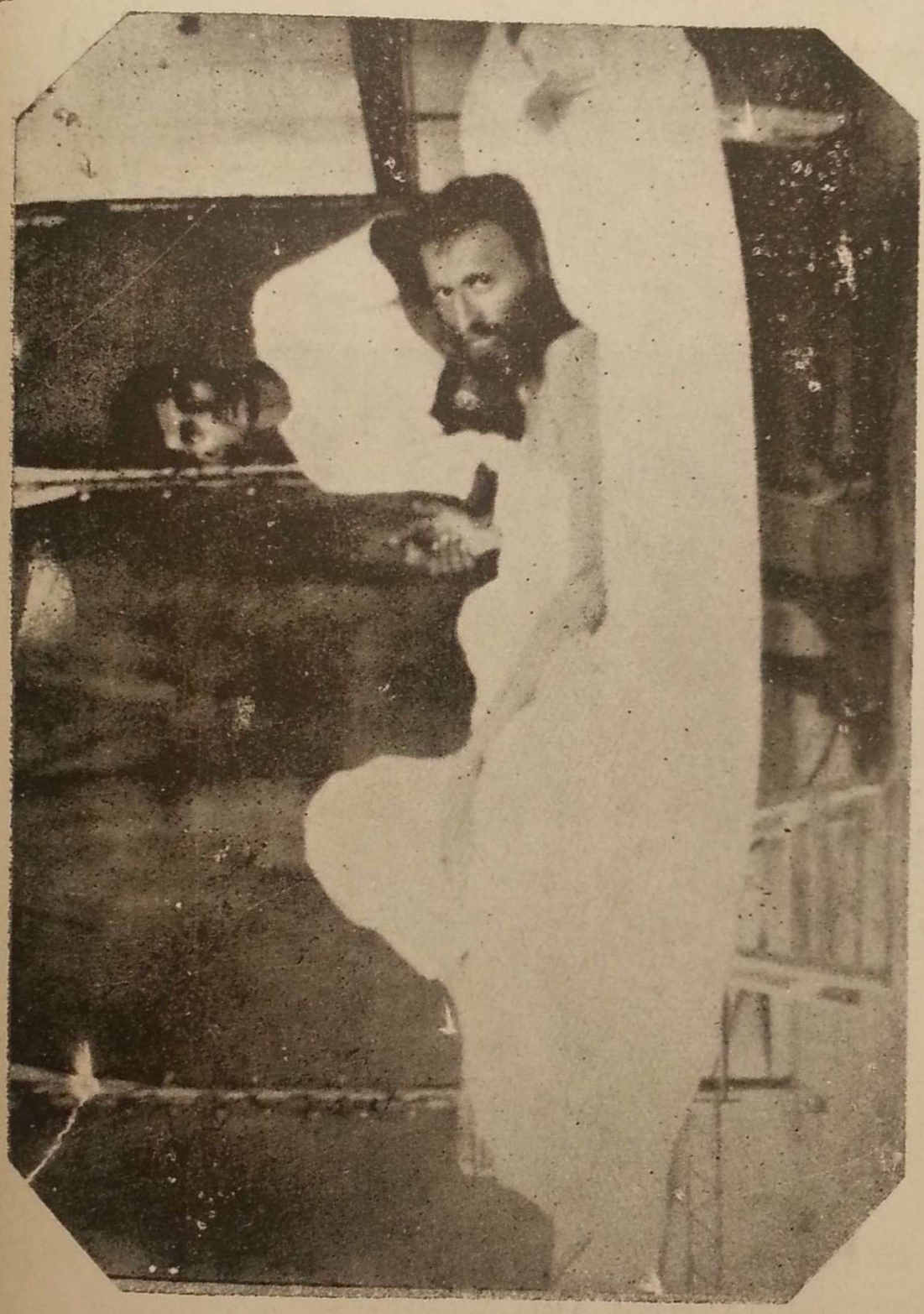
The Officer-in-Charge,

Police Post, Qadian.

SIR,

To-day, the Khalifa of Qadian has excited the Ahmadiyya community against the members of the Majlis-i-Ahmadiyya Qadian by making a most inflammatory speech at the time of Juma prayers. Great excitement prevails amongst the Ahamdiyya public as a result of that and a proclamation is being made now for holding a meeting at night also. As this is likely to cause further excitement ; the following

ایم فخر الدین شہید ملتانی



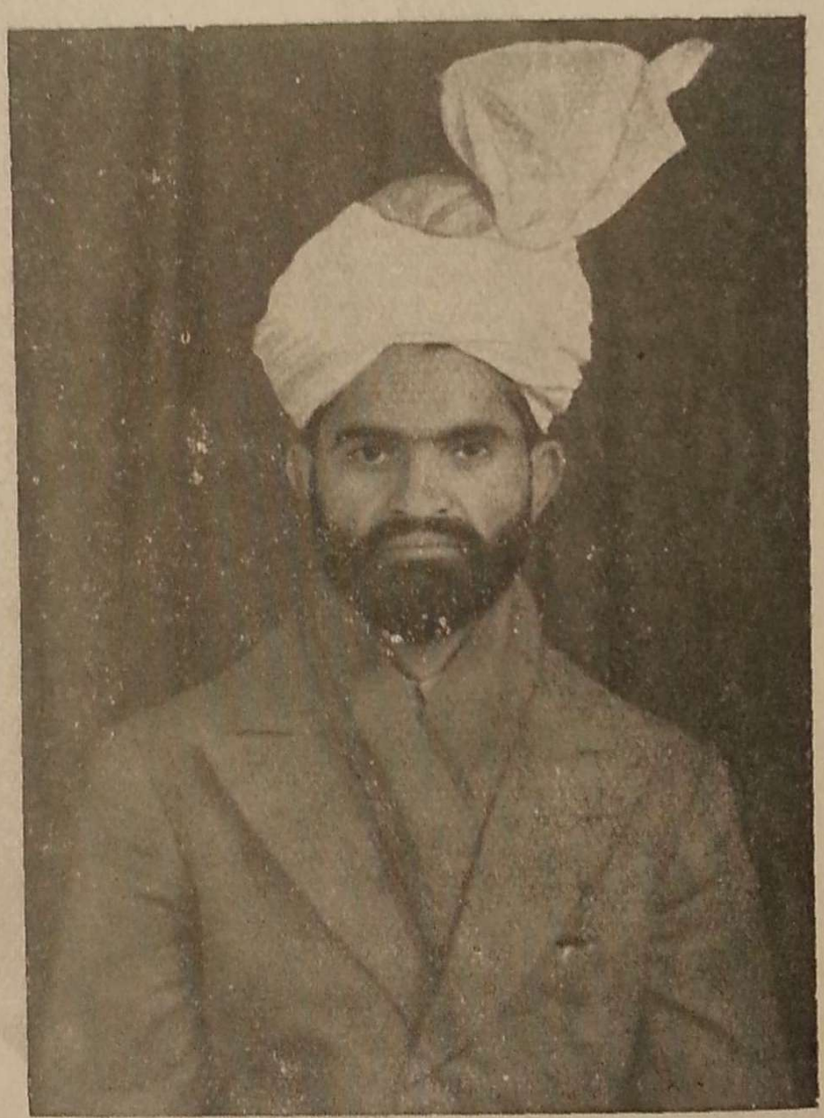
سول ہسپتال گورداسپور میں۔ انکے ساتھ انکا بیٹا مظہر الدین نیمارداری میں مصروف ہے۔ ان کی وفات ۱۳ اگست ۱۹۳۷ء کو سول ہسپتال گورداسپور میں ہوئی وفات کے بعد قادیاں میں انکی لاش کے لئے تابوت بنانے کے لئے بڑھئی کو روک دیا گیا۔ اور قبر کے واسطے اینٹیں روکی گئیں وغیرہ۔ وغیرہ۔

M. FAKHAR-UD DIN Shahid, Multani, in Civil Hospital Gurdaspur. He died in the Hospital on Aug. 13th, 1937. His son Mazhar-ud Din is seen attending him in the Hospital. The followers of Mirza Mahmud prevented the Carpenters from making the funeral box or the brick-layers from supplying bricks for the grave of the deceased.

حکیم عبدالعزیز صاحب

(مالک دواخانہ رفیق زندگی رجسٹرڈ)

انہوں نے پچھلے دنوں مرزا محمود کی بیعت سے
علیحدگی کا اعلان کیا۔ ان پر بھی ۷ اگست ۱۹۳۷ء کو
دن دہاڑے حملہ ہوا۔ جس کی تفصیل ہائی کورٹ کے
فیصلہ میں درج ہے۔



HAKEEM ABDUL AZIZ Sahib

(Proprietor Dawakhana Rafiq-i-Zindgi Regd.)

A few days ago he declared that he no longer consider Mirza Mahmud as his spiritual Head. An attempt to assassinate the Hakeem Sahib was also made on August 7. Particulars can be found in the High Court Judgment.

members of the Majlis-i-Ahmadiyya apprehend danger to their lives and property. It is, therefore. requested that speedy arrangements be made for their safety.

(Sd.) FAKHAR-UD-DIN MULTANI,
Secretary,
Majlis-i-Ahmadiyya.

1. Sheikh Abdul Rahman Misri with his family near Behni Bangar.

2. Fakharud Din Multani with his family, Mohalla Babul Anwar.

3. Qureshi Mohd. Sadiq Sb. Sheikh, with family, Mohalla Darul-Barkat near the mosque.

4. Hakim, Abdul Aziz, Mohalla Babul Anwar.

5. Abdul Rab Khan Sahib, in the Bungalow of Sir Mohammad Zafrullah.

On the 7th of August Fakharud Din was murdered by the appellant while he was on his way to the police station, accompanied by Hakim Abdul Aziz and Bashir Ahmad, in order to ask for protection for himself and his associates. They had heard a rumour that there was a conspiracy to take their lives. Whether the rumour was founded on fact or not, while on the way to the police station the appellant came up in front of Fakharud Din and suddenly, without any warning, stabbed him with a knife in the chest. He also

wounded Hakim Abdul Aziz on the shoulder and on the cheek with the knife. Fakharud Din was taken to the police chauki. He refused to go to the local Qadian hospital as it was an orthodox Ahmadia institution. The appellant was arrested at once. Fakharud Din was taken in a lorry to Gurdaspur and eventually died there some days later. There is no doubt that the wound given to the deceased by the appellant was responsible for his death.

EVIDENCE

The evidence consists of several dying declarations made by the deceased and the evidence of Hakim Abdul Aziz, Bashir Ahmad, Dr. Gurbaksh Singh, whose place of business was on the spot, and Maghar Singh. These witnesses clearly establish the case for the Crown as regards the attack on the deceased The appellant himself admits in his statement in the Sessions Court that he stabbed the deceased. He says that he was provoked by the language of the poster, and that the day he attacked Fakharud Din was the first time he had seen him since the poster had been put up. He admits, however, that the poster had been put on the notice board some days before he attacked the deceased.

PROVOCATION

The killing of Fakharud Din having been admitted by the appellant it is for him to show that his case comes under any of the exceptions to section 300 of the I. P. C. The sole point taken by counsel is that his action was caused by grave and sudden provocation. It is alleged that the putting up of the poster amounts to this. While the terms of the poster, though somewhat obscure, might be provocative of an orthodox Ahmadi if he thought that Fakharud Din was attacking the family of the Khalifa—which is not clear—we cannot agree that this amounts either to grave or sudden provocation. The appellant had had knowledge of the poster for at least two days. The provocation, therefore, cannot be said to be sudden. There can be no doubt that the appellant is guilty of an offence under section 302 of the I. P. C., that is of murder.

With regard to the sentence of death imposed upon the appellant we have in fairness to him, considered a point which was not taken for him by his counsel, who is himself an orthodox Ahmadi : that is the speeches of the Khalifa might have influenced the appellant in committing the murder ; that he might be said to be acting, as a result of these speeches, under the influence of the head of his community whom, the appellant says

in his grounds of appeal, he loves more than his life, property, honour and every other wordly relation, and that, therefore, he ought not to be condemned to death, but that the alternative sentence of transportation for life would be appropriate. While we think we may in fairness to the accused infer that as a zealous Ahmadi he attended the meetings in the mosque on the 23rd July and 6th August 1937, or that he read the *Alfazal* of the 1st of August and, therefore, that he was acquainted with the speeches of the Khalifa Sahib, we do not think, after giving the matter most anxious consideration, that this is any ground for us to reduce the sentence. While it is difficult entirely to dissociate the death of Fakharud Din from the denunciations in the mosque, the appellant clearly had determined on the murder. There was, therefore, premeditation. He awaited his opportunity and found it when the deceased and his companions were walking in the street. The attack was made without the least opportunity for defence, and, according to the appellant's own statement, to teach the deceased a leason. The appellant must at least have known that to stab the deceased in the chest was likely in the ordinary course of nature to cause death. We consider it would be dangerous in this country to give cause for belief that death would not as a rule result from murders, even when they are committed for attacks on leaders of religious communities, or

under their influence, unless they are committed in circumstances which do amount to grave and sudden provocation.

We feel it our duty to say that, conditions being as they are in India, it is most dangerous for leaders of religious communities to attack publicly their opponents from the pulpit, and, in particular, to use the language that has been used by the Khalifa Sahib, with regard to Misri Abdul Rahman and his followers; some one may easily be influenced thereby to commit murder. This is not the first time in India that death has followed hard on the heels of similar denunciations. Even if we accept, as contended by counsel for the appellant, that the Khalifa Sahib, referred to punishment in the spiritual sence, it must be remembered that some zealous followers of any religious leader have difficulty in distinguishing spiritual from corporal punishment. In any event there are always in this country fanatics who believe that they are the instruments of God in carrying out such punishments.

We must confirm the sentence of death passed upon Aziz Ahmad and dismiss his appeal.

قرآن مجید بطرز آسان

جو بچوں کے لئے نہایت مفید ہے

خط جلی اور واضح ہوگا

تیار کیا جا رہا ہے

پہلا سپارہ بطور نمونہ تیار ہے قیمت پانچ پیسہ

محصولڈاک ایک آنہ

سوا دو آنے کے ٹکٹ بھیجکر نمونہ منگوا سکتے ہیں۔

آدینہ القرآن

قرآن مجید کی دعائیں قیمت دو پیسے

آدینہ الاحادیث

آحادیث کی دعائیں قیمت دو پیسے

نماز مترجم قیمت دو پیسے

کلید قرآن

جیبی تقطیع پر مع لغات سورتوں کے مختصر

طور پر عام استعمال کے لئے

قیمت مجلد صرف آٹھ آنے ہوگی

ملنے کا پتہ **بیت القرآن قادیان**

چائلڈ بریںڈ

دوائی اٹھرا (رجسٹرڈ)

جن عورتوں کے حمل گر جاتے ہوں۔ یا مردہ بچے پیدا ہوتے ہوں۔ یا چھوٹی عمر میں ہی داغ مفارقت دے جاتے ہوں۔ یا مختلف امراض کا شکار ہوتے ہوں ان تمام صورتوں میں دوائی اٹھرا اکسیر ہے ہندوستان میں ہزارہا خاندان اس کا تجربہ کر چکے ہیں۔ اس کے علاوہ ہر مرض کا تسلی بخش علاج کیا جاتا ہے

حکیم عبدالعزیز

مالک دواخانہ رفیق زندگی (رجسٹرڈ)

قادیان

مفتاح القرآن

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● اس وقت تک قرآن کریم کی کوئی ایسی کلید تیار نہیں ہوئی۔ جس کے ذریعہ بغیر کسی پریشانی اور تردد کے فوراً کوئی مطلوبہ آیت نکل سکے۔ اب تک جس قدر کلیدیں شائع ہوچکی ہیں۔ ان میں کسی نہ کسی پہلو سے ایسے نقص باقی ہیں۔ جو حوالہ نکالنے میں روک بنتے ہیں۔ مگر یہ مکمل کلید القرآن ہر پہلو سے مکمل اور بے نقص تیار کی گئی ہے۔

● ہر لفظ کے تمام حوالجات متعلقہ کی آیات کے جملے ایک جگہ دیئے گئے ہیں۔ جن پر ایک نظر ڈالنے سے فوراً مطلوبہ آیت ملجاتی ہے۔ حوالہ میں سورۃ۔ آیت کا نمبر اور رکوع سورۃ اور پارا کا نمبر دیا گیا ہے۔ تاکہ یہ کلید قرآن ہر ایک قرآن مجید کے لئے استعمال ہو سکے۔ ہمارا دعویٰ ہے کہ ایسی کلید اب تک تیار نہیں ہوئی

قیمت مجلد سنہری صرف چار روپے رکھی ہے

ملنے کا پتہ **بیت القرآن قادیان**